?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 29.01.2019
*CORAM
THE HON-BLE MR.JUSTICE K.K.SASIDHARAN
and
THE HON-BLE MR.JUSTICE P.D.AUDIKESAVALU

+W.A.(MD)No.1584 of 2018
and
C.M.P.[MD]No.11332 of 2018

#The Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai. : Appellant

Vs.
$School Education Department,
Scavengers Welfare Association,
Rep. by its Secretary,
R.Murugesan,
Mookampatti,
Sampattividuthi Post,
Pudukkottai District. : Respondent

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent against the order of Writ Court dated 25.01.2018 made in W.P.(MD)No.17663 of 2014.

!For Appellant : Mrs.S.Srimathy,
Special Government Pleader

^For Respondent : Mr.K.Baalasundharam
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:JUDGMENT

[Judgment of the Court was delivered by K.K.SASIDHARAN, J.]

The learned Single Judge, after quashing Clause 2(i) of the Government Order in G.O.(Ms)No.47, School Education (R.1) Department, dated 02 March, 2012, issued a direction to the State to follow the principle -Equal Pay for Equal Work- and sanction the appropriate time scale of pay to the Scavengers, who are the members of the Scavengers- Welfare Association, the respondent herein.

2. The Scavengers, who are the members of the Association, were employed as Scavengers and they were given special time scale of pay. The Association challenged the Government Order fixing a lower scale for the Scavengers. The Writ Petition was allowed by the learned Single Judge on the ground of discrimination.
3. We have heard the learned Special Government Pleader appearing on behalf of the appellant and the learned counsel for the respondent.

4. The issue raised in this Writ Petition is no longer res integra, in view of the law laid down by the Hon-ble Supreme Court in State of Punjab and others vs. Jagjit Singh and Others [2017(1) SCC 148] and Sabha Shanker Dube vs. Divisional Forest Officer and others [2018(14) Scale 765].

5. There is no dispute that the Members of the Association are working as Scavengers. The Government sanctioned time scale of pay to the Scavengers appointed to work in various Government departments and in the High Court. Those Scavengers are receiving a salary of Rs.18,843/~. However, the members of the Association were given the salary in the scale of pay of Rs.1,300~3,000 with the Grade Pay of Rs.300/~. The Scavengers working in the other departments including the Education Department were given the pay scale of Rs.4,800 ~ 10,000 + Grade Pay of Rs.1,300/~. The pay structure is per se discriminatory. It violates the principle of -Equal Pay for Equal Work-. The learned Single Judge was, therefore, justified in quashing the particular clause and directing the appellant to sanction the time scale of pay to the Scavengers, taking into account the salary of similarly placed scavengers

working under the State. We do not find any error or illegality in the said order warranting interference.

6. In the upshot, we dismiss the intra~Court appeal. No costs. Consequently, the connected miscellaneous petition is closed.